

INTRADEPARTMENTAL CORRESPONDENCE

March 24, 2020

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 021-19

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Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 021-19. A Use of Force Review Board (UOFRB) was convened on this matter on March 09, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On May 26, 2019, Officers B. Csicsai, Serial No. 39200, and P. Azurin, Serial No. 38725, West Valley Patrol Division, were in full uniform, driving a marked black and white police vehicle.² At approximately 0713 hours, Communications Division (CD) broadcast a radio call for an Assault with a Deadly Weapon (ADW) with a vehicle, at 8001 Lindley Avenue. The officer's investigation revealed there was only a verbal dispute due to road rage. They searched the area for the suspect and her vehicle with negative results.³

At approximately 0735 hours, Witness K. Milholland was at her residence located at 8061 Hesperia Avenue, when she heard loud talking coming from her driveway. She observed a female, later identified as J. Fernandez, sitting in her driveway. Fernandez was crying and talking about killing herself. Milholland telephoned 911 and while on the phone with the 911

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² The FID investigation revealed Officers Csicsai and Azurin worked together on prior occasions over the course of five years. Each time they worked together they encountered tactical situations and had discussions about tactics prior to each of them.

³ The FID investigation revealed that the suspect of the ADW with a vehicle radio call was later identified as J. Fernandez. According to Fernandez' boyfriend, Witness Arturo Rodriguez, he stated he came home and found Fernandez in a verbal argument with the male that reported the ADW radio call. Rodriguez told Fernandez to go inside their residence, while he spoke to the unknown male. When Rodriguez walked into his residence, he discovered Fernandez had left and later discovered she had taken his Glock pistol. Rodriguez contacted her on her cellphone, and she stated she was going to kill herself. Fernandez will be the same subject on the Attempt Suicide radio call that resulted in the OIS incident.

operator, she observed Fernandez was holding a handgun to her head. Milholland updated her observations and remained on the phone to provide updates to CD throughout the call.

At 07:38:00 hours, CD made the following broadcast, "West Valley units, and 10A3, 10A3, a possible attempt suicide, 8061 Hesperia Avenue, 8061 Hesperia Avenue, sitting in the driveway in front of a green Kia. Subject a female white, white hair, 30's, wearing a burgundy shirt, has a handgun to her head. Code Three. Incident 1395. RD 1005."

Note: According to Officer Csicsai, he believed the comments of the called stated the female was seated inside of the green Kia.

Officers M. Babel, Serial No. 35786 and E. Leyva-Huerta, Serial No. 43494, West Valley Patrol Division, were in full uniform, driving a marked black and white police vehicle. They were assigned the attempt suicide radio call and responded Code Three.

According to Officer Csicsai, he and his partner decided to additionally respond with Officers Babel and Leyva-Huerta. They discussed how they would keep *the frequency clear* and *message* the Radio Telephone Operator (RTO) via their Mobile Digital Computer (MDC) stating they *would be responding* to the radio call *Code Three (Additional Tactical Debrief Topics - Use of Seatbelt, Loading Standards, and Additional - Body Worn Video)*.

The following West Valley Patrol Division officers notified CD they would also be responding to the radio call: Officers J. Clodfelter, Serial No. 43007, and M. Gastelum, Serial No. 41639; Officer R. Rivera, Serial No. 38469; Officers J. Alcantar, Serial No. 41703 and A. Cardoza, Serial No. 42796; Officers E. Lemus-Morales, Serial No. 39052 and Officer A. Romero, Serial No. 43778; Officers K. Olson, Serial No. 38463 and A. Thornton, Serial No. 38714; Officers J. Gan, Serial No. 37078 and N. McDougle, Serial No. 38012. Officer B. Hammers, Serial No. 39217, Valley Traffic Division, additionally responded. All officers were dressed in full uniform, driving marked black and white police vehicles (**Additional - Body Worn Video**).

According to Officer Csicsai, he and Officer Azurin heard the radio call updates being broadcast by CD. While enroute, they discussed *options they could use*, such as deploying their ballistic shield, how they would *approach*, and how they *could have other units approach the scene*. Officer Csicsai stated he *shut down the siren to cautiously approach* the radio call location. Officer Csicsai drove *slowly* on Hesperia Avenue to keep an *effective distance*. Officer Csicsai and Azurin observed the *location at a safe distance, parked, and exited*. Officer Azurin retrieved their ballistic shield and Officer Csicsai retrieved their 40mm Less Lethal Launcher (LLL) and slung it across his back so *his hands would be free*. Both officers walked northbound on Hesperia Avenue towards Lorne Street, along the west side of the street, utilizing the parked vehicles as cover as they approached.

According to the FID investigation, Officer Rivera arrived just after Officers Csicsai and Azurin and he began walking northbound with them. As the officers arrived at 8055 Hesperia Avenue, two houses south of the location, they observed a green Kia Sport Utility Vehicle (SUV) parked in the driveway of 8061 Hesperia Avenue. Officer Csicsai requested Officer Rivera to move his

police vehicle north so officers could use it for cover and utilize the Public Address (PA) system. Officers Csicsai and Azurin stopped and took cover behind a parked *minivan*. Officer Rivera observed Officers Babel and Leyva-Huerta arrive on Hesperia and requested for them to move their vehicle northbound, instead. Officers Alcantar and Cardoza arrived behind Officers Babel and Leyva-Huerta.

According to Officer Babel, upon arrival at the location, he exited his police vehicle and unholstered his service pistol in a *two-handed low ready* position. Officer Babel was aware that the comments of the radio call indicated that the subject was *armed and had the gun to her head (Drawing/Exhibiting)*.

According to Officer Csicsai, he and Officer Azurin were *trying to locate and obtain a visual* of Fernandez. Officer Csicsai observed Milholland inside her residence, pointing towards the green Kia. Officer Csicsai made *hand gestures* to Milholland *to stay on the phone* but *to get away from the window*. Officer Csicsai made a broadcast requesting the *RTO to advise* (Milholland) *to stay on the phone but to get away from the window for her safety*.

According to Officer Csicsai, while looking toward the driveway, he observed Fernandez, only *from the shoulder area and up*, exiting the green Kia and, *right away*, noticed she had a black handgun in her right hand, *pointed right against the right temple of her head* while facing the officers. Officer Csicsai *drew out* his service pistol because he believed the *situation could escalate to the use of deadly force (Drawing/Exhibiting)*.

Note: The FID investigation revealed Fernandez was standing next to the green Kia, between it and the garage, and was not seated inside the vehicle.

According to Officer Azurin, he observed Fernandez between *the green Kia and the garage* holding the handgun to her head. Officer Azurin *raised* his ballistic shield and *unholstered* his service pistol. Officer Azurin then moved behind *a van* for cover.

Note: According to the FID investigation, Officers Csicsai and Azurin unholstered their service pistols as they approached the location and prior to seeing Fernandez.

According to Officer Babel, Officer Rivera had requested for him to move his police vehicle forward, north on Hesperia Avenue. Officer Babel holstered his service pistol. Officer Babel moved his police vehicle north, stopped and exited. As he exited his police vehicle, Officer Babel *heard other officers say, "Whoa" as they observed the subject* (Fernandez) *with a gun*. When Officer Babel saw Fernandez with a handgun, he realized the situation could escalate to the point of deadly force and unholstered his service pistol a second time and held it at a two-handed low ready position. Officer Babel took a position of cover behind his police vehicle **(Drawing/Exhibiting)**.

According to Officer Csicsai, he initiated contact with Fernandez by issuing commands and identifying himself as the police. Officer Csicsai gave several *commands* to Fernandez, instructing her to put her *firearm down*. Fernandez did not respond to his commands. Officer

Csicsai *broadcasted* on West Valley Base Frequency requesting a *backup* for a *415 woman with a gun, requested additional units and an air ship, and advised responding units to approach northbound on Hesperia Avenue.*⁴ Officer Csicsai also broadcast a request for the Los Angeles Fire Department (LAFD) to respond and instructed from them *to stage at Lindley Avenue and Strathern Street, in the event medical attention was needed.* Officer Csicsai wanted to ensure the *preservation of life core value* was applied to Fernandez. Officer Csicsai observed Fernandez *walk around the front of the vehicle (Kia) and lost sight of her.* To maintain *communication* with Fernandez, Officer Csicsai *wanted to move to a position of advantage to get better visualization on Fernandez (Additional Tactical Debrief Topics - Simultaneous Commands and Profanity).*

According to the FID investigation. Officer Csicsai redeployed to the rear of Officer Babel's police vehicle. During that time, Officer Babel attempted to communicate with Fernandez by asking her name and requesting her to put down the handgun. Fernandez remained silent. After moving to the rear of Officer Babel's vehicle, Officer Csicsai holstered his service pistol then took hold of his 40mm LLL, which had been slung on his back. Officer Csicsai opened the breach and inserted a sponge round into the chamber. Officer Csicsai held the 40mm LLL in a low ready position and moved to the passenger side of the police vehicle.

According to Officer Csicsai, he broadcast a request for *additional units* and requested they deploy to Lorne Street *to stop traffic* and to get a better visual on Fernandez, since *she was still behind the vehicle* at that point. Officer Csicsai conducted a *quick count of how many officers were at scene* and *advised* nearby officers to redeploy to Lorne Street. Officer Csicsai wanted to *have an L configuration and to get better visualization on Fernandez.*

According to the FID investigation, Officer Csicsai directed Officers Alcantar and Cardoza to redeployed and take a position at Lorne Street (**Additional Tactical Debrief Topics - Basic Firearms Safety Rules and Maintaining Control of Equipment**).

According to Officer Csicsai, once officers (Officers Alcantar and Cardoza) left from the area of the passenger door, he placed his 40mm LLL on the passenger seat, unholstered his service pistol, and used the passenger door as cover. Officer Csicsai believed this *was a violent confrontation with an irate, volatile individual, in possession of a firearm that was behaving irrational [sic] and believed she was suicidal (Drawing/Exhibiting).*

According to Officer Csicsai, Fernandez reappeared from behind the Kia and *walked to the front lawn still holding her handgun* at her temple while looking in the direction of the officers. Officer Csicsai reassured her that they were *not there to hurt her* and tried to show *empathy.* Officer Csicsai observed a *Glock gun box* in her left hand and believed Fernandez' handgun was *a real gun that had been removed from a gun box.* Officer Csicsai continued to communicate with Fernandez by giving her commands to drop her weapon. Fernandez did not comply. Officer Csicsai heard Fernandez state *she wanted to die* and that *nobody cares* about her.

⁴ The FID investigation revealed Officer Csicsai additionally requested a supervisor.

According to the FID investigation, Officer Csicsai directed Officer Babel to get the 40mm LLL that was located on the front passenger seat of the police vehicle. According to Officer Babel, prior to obtaining the 40mm LLL, he holstered his service pistol. Officer Babel's BWV captured him walk up behind Officer Csicsai, reach onto the passenger seat with his right hand and remove the 40mm LLL. Regarding his decision to deploy the 40mm LLL, Officer Babel stated, "I wanted to have all options available actually in case, you know, we didn't want to have to shoot her. That was not - - you know, we wanted to just help her" (**Additional Tactical Debrief Topics - Chamber Check**).

According to the FID investigation, Officers Csicsai, Babel, and Rivera continued to verbalize with Fernandez, instructing her to put down the handgun, that no one wanted to hurt her, and that she did not need to hurt herself. Fernandez replied that she would be going to jail, so officers attempted to assure her that she was not going to jail. Officer Rivera's BVW captured Fernandez' stating, "Shoot me! No one wants me in this world! No one! No one fucken want me! I fucken surrender myself!" At this time, Fernandez knelt in the driveway while still armed with a handgun, which she continued to point to her head. Officer Csicsai continued to communicate with Fernandez in an attempt to calm her down. Fernandez continued to yell at the officers wanting them to shoot her as she remained on her knees, while holding a handgun pointed to her head. Fernandez refused to follow officers' commands to put the handgun down.

According to the FID investigation, at approximately 0752:07 hours, Officer E. Houser, Serial No. 41158, Valley Traffic Division, arrived and deployed his shotgun. Officer Houser was in full uniform, driving a marked black and white patrol vehicle.

According to Officer Houser, he was a *slug operator* at the time of the incident. He heard the comments of the radio call which indicated Fernandez had a handgun pointed to her head and that she was walking between two vehicles. The call did not indicate what type of gun Fernandez was holding leading Officer Houser to prepare for Fernandez to possibly be in possession of a *shotgun* or rifle. Officer Houser believed that *he might have to take a precise shot, between vehicles, though glass or something*. Officer Houser *un-racked* his shotgun and *switched* the shells from *buckshot* to *slug*. Officer Houser approached and *knelt* to assess and see where he would be most useful. Officer Houser took position next to Officer Csicsai and told him he had a slug shotgun and could assume Officer Csicsai's position. Officer Csicsai moved and Officer Houser assumed his position of cover behind the open passenger door of the police vehicle (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Effective Use of Firearms**).

According to the FID investigation, at approximately 0753:18 hours, Officers Lemus-Morales and Romero were driving to the location when they were flagged down by Fernandez' boyfriend, Arturo Rodriguez. Rodriguez informed them that he was the registered owner of the pistol Fernandez possessed, which was a .45 caliber Glock pistol with a ten-round magazine capacity. Officer Lemus-Morales wanted to get that information to the officers at scene and utilize Fernandez' personal information to communicate with Fernandez and in an effort to deescalate the incident (**Additional - Initiating Contact While Seated in Police Car**).

At approximately 0754:40 hours, Lieutenant R. Fogel, Serial No. 35306, Watch Commander, West Valley Patrol Division, broadcast on West Valley Base Frequency that he would be responding to the radio call.

At approximately 0756:40 hours, Sergeant D. Cueto, Serial No. 25874, West Valley Patrol Division, broadcast on West Valley Base Frequency that he and Sergeant K. Spencer, Serial No. 32990, West Valley Patrol Division, would be responding to the incident.

According to Officer Csicsai, he *side stepped to the right and got down on a knee*, using the *engine block as cover* but still maintaining *visualization* and communications. Officer Csicsai believed he *would not be able to take an effective stance next to Officer Houser*. Officer Csicsai *decided to pie out and take a low stance where he could still have good visualization of Fernandez and use good cover with the motor engine and door*.

According to the FID investigation, at approximately 0758:30, Officers Olson, Thornton, and Hammers arrived at Lorne Street, east of Hesperia Avenue (**Additional - Basic Firearms Safety Rules**).

According to Officer Csicsai, he observed Officer Babel with the 40mm LLL and communicated to the officers near him by yelling "*40, stand by*" to let them know that *we did have the 40mm and it was ready to be used* and to avoid *contagious fire*. Officer Csicsai *did not feel that it would be appropriate to give a warning to Fernandez who was in possession of a firearm* and felt that if he warned her, *it could escalate her to engage the officers by shooting at them or run off and obtain cover, putting them at a disadvantage*⁵ (**Additional Tactical Debrief Topics - Less Lethal Warning**).

According to the FID investigation, Officers Lemus-Morales and Romero parked in front of 8048 Hesperia Avenue, exited their vehicle, and approached officers at scene. Officer Lemus-Morales informed the officers that the subject's name was Julie Fernandez and she was armed with a Glock .45 caliber semi-automatic handgun. Officer Lemus-Morales then moved to the passenger side of Officer Babel's police vehicle. Officer Lemus-Morales deployed behind, and to the right of Officer Csicsai who was down on his right knee and Officer Lemus-Morales began to communicate with Fernandez. Fernandez continued to refuse to comply. Fernandez continued to yell at the officers as she slammed the gun case to the ground while continuing to hold the handgun in her right hand, pointed to her head.

According to Officer Csicsai, he discussed with officers the possibility of using the 40mm LLL but determined he did not want to *escalate the situation to deadly force*. Officer Csicsai believed that if the 40mm LLL was deployed, Fernandez *would begin shooting* at them if they missed. Officer Csicsai decided to continue verbalizing with her *as much as possible* but stated he also *saw the need to use other options available*. Officer Csicsai tried to *express empathy* and do *more than just police jargon commands* to see if there was a way to get her to *comply*.

⁵ According to the FID investigation, at approximately 07:59:37 hours, Officer Csicsai's BWV captured him yell, "Alright stand-by 40, Stand-by 40."

Note: According to the FID investigation, Officers Csicsai, Houser, and Babel discussed the possible use of the 40mm LLL, but did not want to escalate the incident to deadly force. Officer Babel stated in his interview that the downside to using the 40 mm LLL would be causing Fernandez to inadvertently pull the trigger, while she held the gun to her head.

According to the FID investigation, at approximately 0803:05 hours, Lieutenant Fogel arrived on scene and contacted officers who were positioned around Officer Babel's police vehicle, where he was briefed by Officers Rivera and Romero. According to Lieutenant Fogel, he began to assess the number of officers with lethal force options deployed, due to a concern for the possibility of *contagious fire*. He gave direction for Officer Alcantar to put away his shotgun, which he did. Lieutenant Fogel additionally made a request for a System-Wide Mental Assessment Response Team (SMART) via CD.

Sergeant Cueto arrived immediately after Lieutenant Fogel. Sergeant Spencer, who was driving behind Sergeant Cueto, stopped at Hesperia Avenue and Strathern Street and began to set up a Command Post (CP). Sergeant Cueto took a position at the left rear bumper of Officer Babel's police vehicle and advised officers that he would speak with Fernandez.

According to Sergeant Cueto, he observed Fernandez on her knees, holding a handgun to her head, with her finger on the trigger. Sergeant Cueto opined that Fernandez was either under the influence of a narcotics or possibly suffered from mental illness. According to Sergeant Cueto, *taking all that into effect and being a crisis negotiator and having the training put on by the department, he felt it was best to interject. And he didn't need to redeploy his units. He didn't need to communicate with them at the time, because what he needed to do was defuse this woman who had a gun to her head. It doesn't get more serious than that.* Sergeant Cueto removed his BWV camera from his uniform shirt, held it in his left hand, pointed at Fernandez to record her, and began to communicate with her (**Additional/Equipment - BWV**).

According to Officer Csicsai, Sergeant Cueto arrived at scene and began giving Fernandez *commands*, but she did not want to comply. Fernandez continued stating *kill me* and *hurt me* in response to his attempts to communicate with her. Officer Csicsai stood up as officers continued to verbalize with Fernandez (**Additional Tactical Debrief Topics - Basic Firearms Safety Rules**).

The FID investigation revealed Officers Gan and McDougle arrived on Lorne Street, east of Hesperia Avenue. Upon arrival, Officers Gan and McDougle were directed to move their police vehicle forward and replace Officers Thornton and Olson's police vehicle (**Additional - Basic Firearms Safety Rules, Driving with Rifle Slung and Chamber Check**).

According to Officer Csicsai, he observed Fernandez *try to get up* but she *stumbled back and fell on her butt*. At this point, Fernandez was near the *telephone pole*. Officer Csicsai observed Fernandez *get back up* again like she was *determined to engage* them and yelled at officers to shoot her. Fernandez *quickly walked in an eastern to southeastern direction with the firearm and was looking right at Officer Csicsai's location*. According to Officer Csicsai, he had positioned himself to the right of the passenger door and had been using the door and the front of the police

vehicle's engine as cover. As Fernandez walked in the east to southeast direction, Officer Csicsai believed she was *closing the distance* to him, *walking in a direction that would be flanking him*, and leaving him in fear that he would be left without any cover. Officer Csicsai observed Fernandez *take her hand with the gun, release it from her head, and start pointing it in his direction as she was looking at him*. Officer Csicsai observed Fernandez' *elbow bent as she was releasing the handgun from her head and subsequently extending her elbow out in front of her with the firearm coming towards him to flank him*. According to Officer Csicsai, he *feared for his life* and believed Fernandez *would cause serious bodily injury or death* to himself. Officer Csicsai believed Fernandez *was going to acquire her sights and fire her weapon at him*. Officer Csicsai fired his first round. Officer Csicsai observed Fernandez' body jolt a little bit in reaction to the first round (**Lethal Use of Force – Round One**).

According to Officer Csicsai, he still saw *an imminent threat* and believed Fernandez still had the handgun *in her hand*. Fernandez' handgun *was still coming down towards his direction*. Officer Csicsai fired his second round while still aiming his service pistol at Fernandez' *upper body, center mass* (**Lethal Use of Force -Round Two**).

According to Officer Csicsai, after firing the second round, he believed Fernandez was still an imminent threat of danger since he observed her to still be in possession of the handgun and that the *threat had not been stopped*. Officer Csicsai maintained his aim at Fernandez' *upper body, center mass*, and fired his third round. Officer Csicsai observed, after his third round, that Fernandez *was still an imminent threat of danger* and she *still had possession of the gun*. Officer Csicsai fired his fourth round at Fernandez. Officer Csicsai believed Fernandez was still in possession of the handgun and believed she still had it pointed towards him. Officer Csicsai observed Fernandez to still be standing after the fourth round. Officer Csicsai fired a fifth round. Officer Csicsai, *after assessing again*, observed Fernandez' *direction had changed away from him and the firearm was on the ground*. Fernandez began *stumbling forward*. According to Officer Csicsai, he *shot approximately five rounds at Fernandez in a fast-consecutive manner* but did it in a *slow fashion to be able to have control of his firearm and to direct his shots to be effective*. Officer Csicsai observed his *shots were contacting Fernandez* and that *she was still holding the gun and gun box* (**Lethal Use of Force – Rounds Three to Five**).

According to Lieutenant Fogel, he *heard* Officer Csicsai fire *four rounds* and could see the *suspect went down*. Lieutenant Fogel *told him to cease fire because it appeared it was no longer necessary to continue to shoot*.

According to Officer Csicsai, after his shots, Fernandez turned and appeared she was going to *fall or go backward* and was no longer coming towards him. Officer Csicsai *stopped and assessed*. Officer Csicsai observed *the firearm was on the ground*. Officer Csicsai observed Fernandez had *stepped and fell on the sidewalk*.

Note: According to the FID investigation, Officer Csicsai's BWV revealed that Fernandez walked into the street holding the handgun to her head. After a few steps, Fernandez moved the handgun away from her head and Officer Csicsai discharged his first round. After the first round, Fernandez appeared to react and dropped the pistol, while still holding the gun

box, as she bent forward. As Officer Csicsai discharged rounds two through five, Fernandez turned to face in a west direction, while still bent forward. Fernandez then dropped the gun box and walked west, onto the parkway, where she fell to the ground.

The investigation determined that Officer Csicsai discharged his five rounds in approximately three seconds.

According to Officer Csicsai, he had a *clear path to approach* Fernandez and gave a *command* to get a *contact team* to *obtain the firearm from her, render it safe, take her into custody* and get her *medical attention*. Officer Csicsai approached Fernandez and maintained lethal cover as the contact team took Fernandez into custody.⁶ Officer Csicsai *holstered his firearm after Fernandez was placed in handcuffs* and *sequestered himself away from other officers, knowing he should probably not discuss the incident*. Officer Csicsai *waited for a supervisor to come and watch him*.

The FID investigation revealed Sergeant Cueto ordered all officers to holster their weapons, at the time Fernandez was taken into custody. Lieutenant Fogel directed all officers outside of the contact team to stay back. Officer Babel placed his 40mm LLL in the trunk of his police vehicle **(Additional Tactical Debrief Topic - Maintaining Control of Equipment)**.

The FID investigation revealed Sergeant Cueto ordered Officer Csicsai to go with Lieutenant Fogel who separated him from nearby officers. Sergeant Spencer responded from the CP and, at the direction of Lieutenant Fogel, obtained a Public Safety Statement (PSS) from Officer Csicsai. Sergeant Spencer continued the separation and monitored of Officer Csicsai at the CP **(Additional/Equipment - Post Categorical Procedures)**.

According to the FID investigation, at approximately 08:06:40 hours, Officer Gan broadcast, "Give me an RA. I have the subject down. It looks like she may have some gunshot wounds." At approximately 08:07:45 hours, LAFD personnel arrived at the incident scene and began to render medical aid to Fernandez for multiple gunshot wounds. Fernandez was then transported to Dignity Health - Northridge Hospital Medical Center for treatment.

FINDINGS

Tactics – Administrative Disapproval, Sergeant Cueto. Tactical Debrief, Lieutenant Fogel, and Officers Csicsai, Houser, and Babel.

Drawing/Exhibiting – In Policy, No Further Action, Officers Csicsai, Houser, and Babel.

Lethal Use of Force – In Policy, No Further Action, Officer Csicsai.

⁶ The FID investigation revealed Officers Lemus-Morales and Romero were the contact team that approached with Officer Csicsai. Officers Lemus-Morales and Romero additionally handcuffed Fernandez. Fernandez did not resist and was taken into custody without force application.

ANALYSIS⁷

Detention

Officers Csicsai and Azurin responded to a radio call of a suicidal female with a handgun, later identified as Fernandez. After the officers arrived and approached the location, they observed Fernandez holding a handgun to her head and making suicidal statements. The officers took positions of cover as they verbalized with Fernandez in an attempt to disarm her and take her into custody. The officers waited for the arrival of backup units and upon their arrival, the officers continued their attempts at de-escalation. Fernandez walked in the direction of the officers and moved the handgun from her right temple towards Officer Csicsai, and nearby officers. Fernandez closed the distance while shouting at the officers to kill her, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

TACTICS

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

⁷ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – While enroute to the radio call, Officers Csicsai and Azurin reviewed the comments of the call and discussed options they could use, such as deploying their ballistic shield, how they would approach, and how they could have other units approach the scene. Officer Csicsai stated he shut down the siren to cautiously approach the radio call location. Officer Csicsai drove slowly on Hesperia Avenue to keep an effective distance. Officers Csicsai and Azurin observed the location from a safe distance, parked, and exited their police vehicle. Officer Azurin retrieved the ballistic shield and Officer Csicsai retrieved their 40mm LLL and slung it across his back, so his hands would be free. Both officers utilized parked vehicles as cover as they approached additionally advising responding units to respond northbound. They observed Fernandez with a handgun to her head, shouting at the officers to kill her. Officer Houser stated he recalled the comments were a suspect holding a gun to her head and had walked behind a vehicle. Upon exiting his vehicle, Officer Houser deployed his shotgun and switched his buckshot shells to slug shells. Officer Houser stated he switched to slug shells due to his belief that he might have to take a precise shot, between vehicles, and possibly through glass.

The UOFRB noted Officers Csicsai and Azurin created and implemented a tactical plan while dealing with a dynamic incident. Their tactical approach took into consideration distance, cover, and less lethal options, granting them time to communicate with responding units and Fernandez. During communication with Fernandez, Officer Csicsai allowed different officers to communicate with her, in an effort to gain her compliance, disarm her, and take her into custody. Officer Csicsai's assessment of the situation led him to redeploy units to advantageous positions and request traffic blocks, in an effort to contain the incident. The UOFRB noted the plan did not address options if Fernandez began walking away, nor did their perimeter cover if Fernandez walked west toward the residences along the westside of Hesperia Avenue.

Assessment – Officers Csicsai and Azurin assessed the nature of the radio call, the behavior of Fernandez, and the type of weapon used. Officer Csicsai was the initial contact person with Fernandez, but allowed other officers to communicate with her when she was non-compliant to his commands. Officer Csicsai's assessment caused him to redeploy units to better positions to observe and contain Fernandez. Officer Csicsai and Babel assessed and determined they did not want to escalate the situation to deadly force by deploying the 40mm LLL. Officer Csicsai considered that if the 40mm LLL were fired at Fernandez and they missed, Fernandez would begin shooting at them. Officer Babel considered a downside to using the 40 mm LLL would be causing Fernandez to inadvertently pull the trigger, while she held the gun to her head. Officer Csicsai assessed between each round of fire allowing him to observe Fernandez' response and ultimately reduced the amount of fire necessary to preserve his life and the life of those around him. Officer Houser approached the scene and assessed the best position for his weapon system which would be to assume Officer Csicsai's position of cover at the passenger door of a police vehicle. Lieutenant Fogel arrived at scene and immediately began obtaining situational awareness. As he was being briefed by officers, he was additionally assessing the lethal and less lethal weapons deployed, as well as assuring officers were behind cover. He assessed that there

were too many lethal weapons deployed and was concerned about contagious fire. He had directed one officer to put away his shotgun, prior to the OIS.

Officer Csicsai's assessment between each round reflected consideration to prevent unnecessary or excessive lethal force. Although Fernandez was still in a standing position after Officer Csicsai's last round, he assessed she was no longer a threat and was not holding her handgun. Officer Csicsai had not only requested an air unit, back up, and a supervisor but went on to request LAFD to stage nearby and requested additional resources. However, Officer Csicsai's assessment between each round helped him overcome those challenges and provided him the ability to view Fernandez' hands, which were below his field of vision while he was up on target.

Time – Officers Csicsai and Azurin used cover and distance in their approach to the radio call location and during the incident, allowing them the time to communicate with Fernandez and other units. They utilized approximately 20 minutes at scene to gather resources, assess force options, redeploy units, and to communicate with Fernandez. Officer Csicsai also used time between each round of fire and subsequently slowed his pace of fire between shots three through five.

Redeployment and/or Containment – Upon making initial contact with Fernandez, Officers Csicsai and Azurin used distance and cover to safely communicate with Fernandez. As Fernandez walked between two vehicles, they temporarily lost sight of her. Officer Csicsai's assessment caused him to redeploy units to better positions to observe and contain Fernandez. Officer Csicsai directed units to respond to Lorne Street, to gain a better visual of Fernandez. He additionally contained Fernandez by directing units to control all traffic north, south, and east of the Fernandez.⁸ Officer Csicsai redeployed to various places of cover due to the dynamic tactical situation and to better position himself to communicate and observe Fernandez.

Other Resources – Officers Csicsai and Azurin's requests for other resources included an air unit, supervisor, back-up, Public Address (PA) system equipped vehicle, a traffic block, LAFD, and deployment of lethal and less lethal force options. Officers adjusted their weapon systems from lethal to less lethal and vice versa, according to the changing tactical situation. Officer Babel holstered his service pistol and deployed a 40mm LLL. Officer Houser used his slug shotgun shells due to the comments of the call and the possible necessity of a more precise firearm. Lieutenant Fogel requested a System-Wide Mental Assessment Response Team (SMART) to respond.⁹

The UOFRB noted the officers could have been relieved of some responsibilities, allowing them to focus on their roles, if supervision had responded in a timely manner. Approximately 20

⁸ Hesperia Avenue and Lorne Street is a T-intersection.

⁹ The Mental Evaluation Unit can help determine if any identified subjects have had previous contact with Department personnel. The SMART team may be dispatched and able to assist in debriefing family members, witnesses, or other persons concerning issues related to the mental health of the involved person. The MEU personnel should not be used for tactical operations or other duties beyond establishing rapport with the subject, family members, or other persons who may provide crucial information that would help in resolving the situation peacefully.

minutes after the radio call was broadcast, responding supervisors broadcast their response to the location. The UOFRB noted the importance of supervision responding to radio calls of this nature and potential magnitude to alleviate responsibilities of the officers and provide critical oversight.

Lieutenant Fogel was the first supervisor at scene and immediately began obtaining situational awareness. As he was being briefed, he was additionally assessing the lethal and less lethal weapons deployed, as well as assuring officers were behind cover. He assessed there were too many lethal weapons deployed and was concerned about contagious fire. He had directed one officer to put away his shotgun, prior to the OIS. Although Lieutenant Fogel requested a SMART team to respond, the UOFRB noted the incident should have been identified as a possible barricaded suspect and contacted, or directed contact with, the Metropolitan Division's Watch Commander to seek advice and determine if the Department's Special Weapons and Tactics (SWAT) team's response was warranted. Fernandez could have been considered a barricaded suspect based on being armed, being a threat to the lives and safety of the community and or police, being contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect, and refusing to submit to a lawful arrest. The SWAT team includes a Crisis Negotiation Team (CNT), comprised of SWAT officers and a police psychologist from Behavioral Science Services (BSS) who are specially and continually trained in crisis negotiations.

Sergeant Cueto arrived shortly after Lieutenant Fogel. He inserted himself as the primary communicator with Fernandez due to his belief that prior CNT training, which he had received approximately sixteen years prior, made him qualified to take on that role.¹⁰ That contact role could have been assigned to other non-supervisory personnel at scene or remained with the officers already engaged with Fernandez. The UOFRB noted that many of the officers at scene were more recently trained in Mental Health Intervention Training (MHIT). The UOFRB would have preferred Sergeant Cueto to have coordinated with Lieutenant Fogel and assisted him in supervisory responsibilities.

Lines of Communication – Officers Csicsai and Azurin immediately established communications with Fernandez. Officer Csicsai attempted to establish rapport with Fernandez by giving her his first name and attempting to identify the cause of her behavior by asking questions. Officer Csicsai was the initial contact person with Fernandez, but allowed other officers to be contact when she was non-compliant to his communication. Sergeant Cueto arrived at scene and took over communications with Fernandez. Lieutenant Fogel communicated with officers at scene to gather information and evaluated the amount of lethal force deployed. Prior to the OIS, Lieutenant directed Officer Alcantar to secure his shotgun. After the OIS, he provided direction to officers to holster and secure their weapons.

While the UOFRB noted that Sergeant Cueto was faced with limited time in a dynamic incident, it was a critical issue that he did not open lines of communication to establish basic control over

¹⁰ Sergeant Cueto attended a 40-hour course titled Crisis Intervention Team on January 6, 2003. His training record did not document any additional training related to crisis intervention.

the officers, specifically related to reducing the number of officers deploying lethal force options. Furthermore, Sergeant Cueto did not establish roles such as lethal or less lethal officers, Designated Cover Officers (DCO), arrest teams, or a communications officer. Sergeant Cueto's years of experience could have been better used to direct officers' roles, in addition to assisting Lieutenant Fogel, who had been a lieutenant for approximately one month, and was attempting to manage officers while trying to gain situational awareness, a very daunting division of labor for one supervisor. By becoming directly involved in the communication with Fernandez, Sergeant Cueto did not conduct critical supervisory operations and oversight which would have benefitted the resolution of the incident.

The UOFRB determined, and I concur, that the officers attempted to de-escalate the incident, but Fernandez' aggressive actions, including walking in the direction of Officer Csicsai and moving the gun away from her head, limited his actions. The officers attempted to utilize different aspects of de-escalation techniques throughout the incident.

During the review of the incident, the following Debriefing Topics were noted:

Additional Tactical Debrief Topics

Simultaneous Commands – The investigation revealed that Officer Csicsai gave Fernandez non-conflicting simultaneous commands during the incident. Throughout the incident, several different personnel were assigned to establish communications with Fernandez. During several times, Officer Csicsai, who was providing lethal force cover, also issued commands to Fernandez. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment – The investigation revealed that Officer Babel placed a loaded 40mm LLL into his trunk after the OIS incident. The officer is reminded that storing a loaded 40mm LLL could increase the likelihood of an unintentional discharge of the launcher. In this case, I would have preferred that the officer unloaded the 40mm LLL prior to placing it down. I will direct this to be a topic of discussion during the Tactical Debrief.

Basic Firearms Safety Rules – The investigation revealed that Officer Csicsai placed his finger on the trigger while holding his service pistol at a low ready. Officer Csicsai did this for approximately two minutes during the incident. The officer is reminded that placing his finger on the trigger can increase the possibility of an unintentional discharge of the firearm. I will direct this to be a topic of discussion during the Tactical Debrief.

Less Lethal Warning – The investigation revealed that Officer Csicsai gave a verbal warning to officers to standby for the discharge of the 40mm LLL as Officer Babel held the 40mm LLL. At that time, Officer Babel did not intend to discharge the 40mm LLL. I would have preferred that Officer Csicsai had coordinated with Officer Babel to avoid confusion. I will direct this to be a topic of discussion at the Tactical Debrief.

Loading Standard – Officer Csicsai's first and second magazines were loaded with previously authorized ammunition. Prior to the OIS, Officer Csicsai had completed firearm qualification and was issued new Department approved ammunition. Officer Csicsai should have discontinued use of the previously authorized ammunition. I will direct this to be a topic of discussion during the Tactical Debrief.

Profanity – Officer Csicsai broadcast a back-up and air unit request over West Valley Base Frequency and, while doing so, utilized profanity. The use of profanity diminishes the professional image of the Department. I will direct this to be a topic of discussion during the Tactical Debrief.

Chamber Check – The investigation revealed that Officer Babel received a 40mm LLL from another officer during the incident and did not initially conduct a chamber check to confirm the loading condition of the launcher. Later during the incident, Officer Babel paused during a tactical deployment to conduct the chamber check. I will direct this to be a topic of discussion at the Tactical Debrief.

Effective Use of Firearms (Use of Slug Rounds) – Officer Houser is certified to use slug ammunition in his shotgun. While enroute to the radio call, Officer Houser recalled hearing information that the suspect was holding a gun to her head and had walked behind a vehicle. Furthermore, the call did not indicate what type of gun the suspect was holding, leading Officer Houser to prepare for the suspect to possibly be in possession of a shotgun or rifle. Officer Houser believed that he might have to take a precise shot, between vehicles, and possibly through glass. Officer Houser deployed his shotgun and switched the shells from buckshot to slug. Officer Houser articulated the deployment of slug ammunition for the incident, however he added that any time that you can deploy rifle, you can deploy slug shotgun. Although the criteria may be similar, the weapon capabilities differ. To enhance future performance, I will direct this to be a topic of discussion at the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make

it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide)

Lieutenant Fogel was the first supervisor at scene and assumed the role of Incident Commander. Lieutenant Fogel was at scene for approximately three minutes prior to the OIS. He immediately began obtaining situational awareness. As he was being briefed by officers, he was additionally assessing the lethal and less lethal force options that were deployed, as well as assuring officers were utilizing cover. Lieutenant Fogel assessed there were too many lethal weapons deployed and was concerned about contagious fire. He directed one officer to secure his shotgun prior to the OIS occurring. Lieutenant Fogel requested a SMART team to respond to the incident. After the OIS incident, he assured the substantially involved officers were separated, admonished, and monitored. He assured a crime scene was established, evidence was preserved, and notifications were made. Lieutenant Fogel ensured that canvassing was conducted for witnesses and for the welfare of the residents.

The UOFRB noted an approximate ten-minute gap between the time Officer Csicsai requested a supervisor to the time Lieutenant Fogel broadcast that he would be responding. Issues arising from a lack of supervision, such as simultaneous commands or an unbalanced number of lethal to less lethal designated officers at scene, could have been addressed with appropriate supervision to designate officers' roles. The UOFRB would have preferred Lieutenant Fogel to have responded to the call in a timely manner and begin designating a team to take Fernandez into custody. Additionally, instead of Lieutenant Fogel requesting a SMART team to respond to the incident, the UOFRB noted he should have identified the incident as a possible barricaded suspect and contacted, or directed contact with, the Metropolitan Division's Watch Commander to determine if the SWAT team's response was warranted. Fernandez could have been considered a barricaded suspect based on being armed, being a threat to the lives and safety of the community and or police, being contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect. The SWAT team includes CNT, comprised of SWAT officers and police psychologist from BSS who are specially trained in crisis negotiations. An armed person threatening to commit suicide may also activate a CNT only response. The UOFRB did recognize Lieutenant Fogel's limited tenure as a lieutenant and his limited time at scene prior to the OIS. As such, the UOFRB believes Lieutenant Fogel's actions were sufficient and beneficial to the overall situation and the prevention of contagious fire. Also, Lieutenant Fogel appropriately, called for a cease fire upon observing that Fernandez was no longer a threat. He also immediately addressed Officer Csicsai and separated him from

other officers after the OIS. Lieutenant Fogel also had the presence of mind to control the scene after the OIS and subsequently separate himself as an involved party.

The actions of Lieutenant Fogel were consistent with Department supervisor training and my general expectations of a limited tenured lieutenant during a critical incident.

Sergeant Spencer arrived simultaneously with Sergeant Cueto, trailing behind in a separate vehicle. Sergeant Spencer did not respond to the scene of the containment of Fernandez and instead set up a Command Post. After the OIS occurred, Sergeant Spencer was assigned monitoring duties of Officer Csicsai. However, Sergeant Spencer left Officer Csicsai unmonitored post OIS for approximately three minutes at the Command Post to brief Lieutenant Fogel at the scene of the OIS. The monitoring of Officer Csicsai was an important component in maintaining the integrity of the investigation.

The UOFRB also noted that Sergeant Spencer should have realized, based on the comments of the call, that the situation was a dynamic tactical incident. An emphasis should have been placed on the tactical needs as opposed to the administrative needs of establishing a Command Post. The UOFRB emphasized the need for supervision to recognize these incidents and perform their basic duties as Department supervisors for stabilizing tactically challenging and high-risk incidents. The incident may have benefitted from Sergeant Spencer's supervision at Fernandez' location.

Overall, the actions of Sergeant Spencer were consistent with Department supervisor training and my expectations of a sergeant during a critical incident.

Sergeant Cueto responded to the incident and arrived shortly after Lieutenant Fogel. Sergeant Cueto assessed the suspect was holding a gun to her head, the lethal and less lethal force options had been deployed, and that officers were utilizing cover. Sergeant Cueto stated he did not feel the need to redeploy officers and felt there was no time to formulate a plan. He made the decision to insert himself as the primary communicator with Fernandez, without consulting with Lieutenant Fogel. He stated he took over the role of contact based on his previous training as a Crisis Negotiator and his prior field experience. The OIS occurred during his communication with Fernandez. Immediately after the OIS, Sergeant Cueto ordered the officers to only maintain one service pistol drawn and for all others to holster them and secure their respective weapons. Sergeant Cueto separated Officer Csicsai from the officers and ordered him to stay with Lieutenant Fogel. He gave instruction to set up the crime scene and to conduct welfare checks of residents in the area of the OIS.

The UOFRB noted that Sergeant Cueto inserted himself as the primary communicator with Fernandez due to his belief that the CNT training he had received sixteen years prior was advantageous. That contact role could have been assigned to other non-supervisory personnel at scene or remained with the officers already engaged with Fernandez. The UOFRB noted that many of the officers at scene were more recently trained in MHIT. The UOFRB would have preferred Sergeant Cueto to have coordinated with Lieutenant Fogel and assisted him in supervisory responsibilities. While the UOFRB understood that Sergeant Cueto was faced with

limited time in a dynamic incident, it was a critical issue that he did not open lines of communication to establish basic control over the officers, specifically related to reducing the number of officers deploying lethal force options. Furthermore, Sergeant Cueto did not establish roles such as lethal or less lethal officers, DCOs, arrest teams, or a communications officer. Sergeant Cueto's years of experience could have been better used to direct officers' roles, in addition to assisting Lieutenant Fogel, who had been a lieutenant for approximately one month, and was attempting to manage officers while trying to gain situational awareness, a very daunting division of labor for one supervisor. By becoming directly involved in the communication with Fernandez, Sergeant Cueto did not conduct critical supervisory operations and oversight which would have benefitted the resolution of the incident. It did not appear that Sergeant Cueto had any better rapport or that the situation improved by his communication technique.

As a result, the UOFRB determined, and I concur, the lack of appropriate supervisory oversight exercised by Sergeant Cueto during the tactical incident prior to the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Lieutenant Fogel, and Officers Csicsai, Babel, and Houser's tactics did not substantially deviate from approved Department tactical training.

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeant Cueto's actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive briefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to review the officer's individual actions that took place during this incident.

Therefore, I will direct that Lieutenant Fogel, Sergeant Cueto, and Officers Csicsai, Babel, and Houser attend the Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force

General Training Update (GTU)

Lieutenant Fogel, Sergeant Cueto, and Officer Csicsai attended a GTU on June 13, 2019. All mandatory topics were covered for the attendees including Use of Deadly Force.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Csicsai

According to Officer Csicsai, he and Officer Azurin responded to a radio call of a possible suicidal woman (Fernandez) with a firearm. Officer Csicsai observed Fernandez holding a black handgun in her right hand as she pointed it against her right temple. Fernandez was facing the officers at the time. Officer Csicsai believed the situation could escalate to the use of deadly force and unholstered his service pistol.

Officer Csicsai recalled,

We heard a radio call come out of a possible suicidal 415 woman with a gun...she had a black handgun in her right hand pointed right against the right temple of her -- of her head. And she was facing us... I had reason to believe that this situation we were involved in escalate to the use of deadly force, so I wanted to have my firearm out in this situation.¹¹

it was very apparent that she had a firearm in her right hand that was -- that she had pointed against her head.¹²

she had it against her head, and her slightly release it, like pulling it away from her head, and I think later put it back.¹³

According to Officer Csicsai, once officers (Officers Alcantar and Cardoza) left from the area of the passenger door, he placed his 40mm LLL on the passenger seat, unholstered his service pistol, and used the passenger door as cover. Officer Csicsai had observed Fernandez was also

¹¹ Officer Csicsai, Page 6, Lines 1-3; Page 7, Line 25; Page 8, Lines 1-3 and Lines 4-7

¹² Officer Csicsai, Page 22, Lines 17-19

¹³ Officer Csicsai, Page 41, Lines 14-17

holding a gun box which resembled a Glock gun box with an orange gun lock attached. Officer Csicsai determined the handgun was not a toy and that a real handgun had been removed from a gun box. Officer Csicsai believed this was a violent confrontation with an irate, volatile individual, in possession of a handgun that was behaving irrational and believed she was suicidal.

Officer Csicsai recalled,

it was a Glock; she held a gun box. That gun box resembled a Glock gun box. Not only that but attached to the gun box was an orange gun lock, cable lock. So, when I saw that, that's going to be somebody that this is not a toy gun. This is a real gun that has been removed from a gun box, so it's a lethal weapon that we have.¹⁴

I also took a stance, knee stance, next to the door with my firearm also out...I believe I lowered down and -- and held it at my side...It would have been along the frame away from the trigger.¹⁵

I did not feel very comfortable if any officers would be putting their guns down with an individual who is volatile, suicidal, and violent, in possession of a firearm. It's putting ourselves at a disadvantage and danger.¹⁶

This was a violent confrontation with an irate, volatile individual, in possession of a firearm that was behaving irrational.¹⁷

Officer Babel

According to Officer Babel, upon arrival at the location, he exited his police vehicle and unholstered his service pistol in a two-handed low ready position. Officer Babel was aware that the comments of the radio call indicated that the subject was armed and had the gun to her head.

Officer Babel recalled,

when I originally exited the vehicle and unholstered my weapon, I was at a low -- two-handed low ready.¹⁸

According to the comments of the call she -- she was armed and had the gun to her head.¹⁹

¹⁴ Officer Csicsai, Page 30, Lines 20-25 and page 31, Line 1.

¹⁵ Officer Csicsai, Page 34, Lines 5-6; Page 34, Lines 12-13; Page 35, Lines 19-22.

¹⁶ Officer Csicsai, Page 54, Lines 16-20.

¹⁷ Officer Csicsai, Page 32, Lines 22-24.

¹⁸ Officer Babel, Page 36, Lines 13-15.

¹⁹ Officer Babel, Page 34, Lines 21-22.

According to Officer Babel, Officer Rivera had requested for him to move his police vehicle forward, north of Hesperia Avenue. Officer Babel holstered his service pistol. Officer Babel moved his police vehicle north, stopped and exited. As he exited his police vehicle, Officer Babel he heard other officers say, "Whoa" as they observed the subject (Fernandez) with a handgun. When Officer Babel saw Fernandez with a handgun, he realized the situation could escalate to the point of deadly force and unholstered his service pistol a second time and held it at a two-handed low ready position. Officer Babel took a position of cover behind his police vehicle.

Officer Babel recalled,

At that point, I exited the vehicle, and I heard other officers say, "Whoa" as they observed the subject with a gun. At that point when I saw the subject with a gun, I unholstered my weapon and tried to get cover behind the black and white vehicle.²⁰

The reason I unholstered my side arm is because the subject had a gun. And I realized that the situation could escalate to where I would have to use deadly force.²¹

Officer Houser

According to Officer Houser, he was a slug operator at the time of the incident. He heard the comments of the radio call which indicated Fernandez had a gun pointed to her head and that she was walking between two vehicles. The call did not indicate what type of gun Fernandez was holding leading Officer Houser to prepare for Fernandez to possibly be in possession of a shotgun or rifle. Officer Houser believed that he might have to take a precise shot between vehicles and through glass. Officer Houser un-racked his shotgun and switched the shells from buckshot to slug. Officer Houser approached and knelt to assess and see where he would be most useful. Officer Houser took position next to Officer Csicsai and told him he had a slug shotgun and could assume Officer Csicsai's position. Officer Csicsai moved and Officer Houser assumed his position of cover behind the open passenger door of the police vehicle.

Officer Houser recalled,

...it's a suspect there now with a gun call, it didn't appear what type of gun it was pointed to her head, so people could point shotguns to their head, rifles to their head, I don't know. So, I'm a slug operator, so I unracked my shotgun, went to the back of the nearest black and white for cover, and I switched over from buck shot to slug shotgun. I know any time that you can deploy rifle, you can deploy slug shotgun. And hearing that she's next to a vehicle, you know, I'm thinking maybe I might have to take a precise shot, you know, between vehicles, through glass... I didn't -- meet not have time to do a slug -- slug roll-out... When I saw the officers there, I took a knee to assess the situation.²²

²⁰ Officer Babel, Page 6, Lines 15-20.

²¹ Officer Babel, Page 16, Lines 7-10

²² Officer Houser, Page 8, Lines 2-14, Lines 17-18, and Lines 21-22

So, I assessed the situation and see where I could most be useful. I saw Csicsai was the closest position holding the pistol, so I decided to go up behind Csicsai, give him a tap on the shoulder and say, "Hey, I have a slug shotgun. I'll take over for you." Csicsai notified me to go around the right side of him. I went around the right side of him. And then that's when I took over his position on the black and white directly in front of the suspect...So I was on the right door when it was propped open where Csicsai was originally.²³

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Csicsai, Babel, and Houser's Drawing and Exhibiting. The UOFRB noted their actions were consistent with department training and policy. The officers responded to a radio call of a suicidal female with a handgun pointed at her head. After approaching, officers observed Fernandez holding the handgun to her head and requesting officers to shoot her.

As such, based on the totality of the circumstances, the UOFRB determined, and I concur that an officer with similar training and experience as Officers Csicsai, Babel, and Houser would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Csicsai, Babel, and Houser's Drawing and Exhibiting to be In-Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*

²³ Officer Houser, Page 9, Lines 4-12 and Lines 19-20

- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Csicsai — .40 caliber, five rounds in a northwesterly direction from an approximate distance of forty feet.

Round One

According to Officer Csicsai, he observed Fernandez get up as though she was determined to engage the officers with the handgun. Fernandez canted the handgun in her right hand as she walked from the telephone pole and entered the street. Fernandez quickly walked in an eastern to southeastern direction. Fernandez looked at Officer Csicsai and took a few steps further in his direction. According to Officer Csicsai, he had positioned himself to the right of the passenger door and had been using the door and the front of the police vehicle's engine as cover. As Fernandez walked in the east to southeast direction, Officer Csicsai believed she was closing the distance to him, walking in a direction that would be flanking him, and leaving him in fear that he would be left without any cover. Officer Csicsai observed Fernandez move the handgun away

from her head and start pointing it in his direction while looking at him. Officer Csicsai feared for his life and believed the handgun would cause serious bodily injury. Officer Csicsai believed Fernandez had the intent to shoot at him. Officer Csicsai was fearful and believed Fernandez had a position of advantage over him. Officer Csicsai feared for his life and believed she would cause serious bodily injury or death. Officer Csicsai believed Fernandez was going to acquire her sights and fire her weapon at him. Officer Csicsai fired his first round. Officer Csicsai observed Fernandez' body jolt a little bit.

Officer Csicsai recalled,

got back up again like she was determined to -- to -- to just move, to engage us. She then quickly walked in an eastern to southeastern direction with the firearm, and she was looking right at my location where I was... After she took a few steps, it -- I no longer was able to have cover behind my vehicle... and I saw her really take her -- take her hand with the gun, release it from her head, and start pointing it in my direction as she was looking at me. At that time, I feared for my life.²⁴

her elbow being bent, hand and gun towards the head, as she's releasing, she is now extending her elbow out in front of her with the firearm coming towards me. she had the gun in her hand, and that is was moving away from her head in a motion towards me... off the top of my head, I can't remember it being perfectly parallel to the ground.²⁵ firearm was, I guess, canted where when -- I do remember that one time when she released it, it did come 1 forward a little bit.... By the telephone pole.²⁶

I do remember she had her finger on the trigger when she was near the power pole.²⁷

I remember her walking out into the street, and she still had the firearm in her right hand, up against her -- against her head. She looked over into my direction, looked at me, and I remember her moving her hand with the gun away from her head... Her hand was moving towards me, pointing the gun towards my direction.²⁸

Yes... I was -- she was in a position of advantage with me still being in the kill zone, and I felt that there was still the imminent threat that was there.²⁹

Center torso, body mass.³⁰

²⁴ Officer Csicsai, Page 13, Lines 16-25 and Page 14, Line 1

²⁵ Officer Csicsai, Page 43, Lines 5-8, Lines 21-22 and Page 44, Lines 7-9

²⁶ Officer Csicsai, Page 41, Line 25 and Page 42, Lines 1-2 and Page 42, Lines 5

²⁷ Officer Csicsai, Page 52, Lines 19-20

²⁸ Officer Csicsai, Page 42, Lines 9-13 and Lines 15-16

²⁹ Officer Csicsai, Page 57, Line 14 and Lines 17-20

³⁰ Officer Csicsai, Page 44, Line 12

I was in fear for my life, that the suspect, being in possession of a firearm, and having her closing the distance, walking in a direction that would be flanking me, putting me into the kill zone where now I have no cover, her hand coming towards me in my direction, and her looking at me, obtaining my location where I am, I believed that she was acquiring -- she was going to acquire her sights and fire her fire -- her weapon at me... So, I shot to protect myself from serious bodily injury or death.³¹

I remember seeing her body kind of just -- I mean, I don't know how to say it. Just jolt a little bit.³²

I -- I believe that -- that the firearm that she had would cause serious bodily injury, and that she had the intent to shoot at me, and I fired my weapon.³³

Round Two

According to Officer Csicsai, he still saw an imminent threat and believed Fernandez still had the handgun in her hand and it was still coming down towards his direction. Officer Csicsai fired his second round while still aiming his service pistol at Fernandez' upper body, center mass.

Officer Csicsai recalled,

It was still upper body, center mass... It was -- it was still in her hand, and I believe it was still coming down towards me to point in my direction.³⁴

I still saw an imminent threat -- present threat to me.³⁵

Rounds Three to Five

According to Officer Csicsai, after firing the second round, he believed Fernandez was still an imminent threat of danger since he observed her to still be in possession of the handgun and that the threat had not been stopped. Officer Csicsai maintained his aim at Fernandez' upper body, center mass, and fired his third round.

Officer Csicsai recalled,

According to Officer Csicsai, when asked by FID investigators about the target location for the third round, he responded, "Upper body, center mass."³⁶

³¹ Officer Csicsai, Page 44, Lines 18-25 and Page 45, Line 1 and Lines 3-4

³² Officer Csicsai, Page 47, Lines 6-8

³³ Officer Csicsai, Page 14, Lines 1-3

³⁴ Officer Csicsai, Page 45, Lines 17-18 and Lines 24-25 and Page 46, Line 1

³⁵ Officer Csicsai, Page 47, Lines 11-12

According to Officer Csicsai, when asked by FID investigators on the position of Fernandez' handgun, if it was still in her hand, and still coming down towards him as described for Round Two, he responded, "The same."³⁷

*I still believe that the threat was there, that a threat had not been stopped.*³⁸

According to Officer Csicsai, Officer Csicsai observed, after his third round, that Fernandez was still an imminent threat of danger and she still had possession of the gun. Officer Csicsai fired his fourth round at Fernandez.

Officer Csicsai recalled,

*Same, upper body, center mass... That there was still an imminent threat of danger, serious bodily injury to me. The -- the threat was still there. She still had possession of the gun. I had acquired my sights and was still coming in in a direction towards me.*³⁹

According to Officer Csicsai, believed Fernandez was still in possession of the handgun and believed she still had it pointed towards him. Officer Csicsai observed Fernandez to still be standing after each round. Officer Csicsai fired a fifth round. Officer Csicsai, after assessing again, observed Fernandez' direction had changed away from him and the firearm was on the ground. Fernandez began stumbling forward.

Officer Csicsai recalled,

*It was upper body, center mass. And I believed that she was still in possession of the firearm, just like I said before.*⁴⁰

*Well, I was -- I was in fear for my life, so I believed that she still had it pointed towards me*⁴¹

According to Officer Csicsai, when asked by FID investigators if Fernandez was standing after each round, he responded, "yes."⁴²

*Yes. After assessing, after my fifth shot, and seeing that her direction had now changed away from me, I had seen that there was a firearm on the ground, that she was now stumbling westward.*⁴³

³⁶ Officer Csicsai, Page 45, Line 21

³⁷ Officer Csicsai, Page 46, Line 3

³⁸ Officer Csicsai, Page 47, Lines 19-21

³⁹ Officer Csicsai, Page 46, Line 6 and Lines 9-13

⁴⁰ Officer Csicsai, Page 46, Lines 17-19

⁴¹ Officer Csicsai, Page 46, Lines 22-24

⁴² Officer Csicsai, Page 57, Line 11

⁴³ Officer Csicsai, Page 48, Lines 6-10

I -- I shot her approximately five rounds. I shot my rounds not in a fast consecutive manner, but I did it in a slow and -- I did it in a -- in -- I did it in a slow fashion to be able to have control of my firearm and to direct my shots to be effective.⁴⁴

I did see that my -- that my shots were making contact with her... It was then, after those shots, that she turned and appeared that she was going to fall or go backward and no longer coming towards me that I stopped, and I assessed seeing that the firearm was on the ground.⁴⁵

Even though I had a suspect who was being violent with a firearm, I, you know, I still cared.⁴⁶

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer Csicsai use of lethal force. During their review, they took into consideration that Fernandez was an armed subject who was holding a handgun to her head, shouting at the officers to shoot her. Fernandez closed the distance to the officers. Fernandez then moved her handgun in the direction of Officer Csicsai and surrounding officers. Due to Fernandez' actions, Officer Csicsai feared that Fernandez could cause serious bodily injury or death to which he responded with the use of deadly force. Officer Csicsai assessed between each round. Prior to his last shot, Officer Csicsai perceived Fernandez to be standing, in possession of the firearm, while still moving in his direction. After Officer Csicsai fired his last round, he perceived Fernandez' direction had changed, away from him and he observed her firearm on the ground. Officer Csicsai assessed and perceived that she was no longer a threat and was no longer holding her handgun.

I looked closely at Officer Csicsai's service pistol rounds after Fernandez dropped her gun. I opined the BWV did not provide Officer Csicsai's point of view and that greater weight should be given to Officer Csicsai's perception versus solely a review of the BWV. Officer Csicsai's Use of Lethal Force was objectively reasonable based on human performance factors which explained his perception and reaction time during the incident.⁴⁷

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Csicsai would reasonably believe that the subject's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Csicsai's Use of Lethal Force to be In Policy, No Further Action.

⁴⁴ Officer Csicsai, Page 14, Lines 4-8

⁴⁵ Officer Csicsai, Page 14, Lines 8-9 and Lines 12-15

⁴⁶ Officer Csicsai, Page 15, Lines 7-8

⁴⁷ Reaction time is a measure of the time from the arrival of a suddenly presented and unanticipated signal to the beginning of the response to it. Officer Csicsai's reaction time would be the measure of time from when he first perceived Fernandez as no longer being a threat to the beginning of his response to stop discharging his service pistol.

Additional/Required Equipment

Documentation of Categorical Use of Force - Lieutenant Fogel did not note in his Watch Commander's Daily Report the additional supervisor who monitored Sergeant Cueto. This issue was brought to the attention of Captain P. Espinosa, Serial No. 30820, Commanding Officer, West Valley Area. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of Operations – Valley Bureau (OVV) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Initiating Contact While Seated in Police Car - Officers Lemus-Morales and Romero remained seated in their police vehicle while speaking with Fernandez' boyfriend through the open passenger window. Officers are reminded of the tactical disadvantage inherent with staying inside of their vehicle and as such, should deploy from their vehicles and initiate contact outside of it. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Post Categorical Procedures - Sergeant Spencer obtained the PSS of Officer Csicsai and additionally monitored him at scene. While Sergeant Spencer was monitoring him, he left Officer Csicsai unmonitored for approximately three minutes. Sergeant Spencer returned and, during monitoring, allowed Officer Csicsai to broadcast a request for witness canvassing. While continuing to monitor Officer Csicsai, Sergeant Spencer allowed Officer Cardoza to approach and discuss information in front of Officer Csicsai. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Notice to Correct Deficiencies.⁴⁸ Captain Espinoza will also insure that all supervisors within West Valley Patrol Division and Area will have the topic of separation and monitoring discussed at roll call training, at supervisor deployment meetings, and the topic will be discussed at the next All Supervisors Meeting. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Maintaining Control of Equipment – The investigation revealed that Officer Thornton placed a loaded 40mm LLL on his front passenger seat as he drove away from the incident. In addition, Officer Alcantar placed a loaded 40mm LLL on the front passenger seat of his unsecured police vehicle, during the time Fernandez was being taken into custody. This was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Chamber Check – The investigation revealed that Officers Alcantar and Thornton were issued shotguns from other officers engaging in tactical re-deployments during the incident. Neither

⁴⁸ A Notice to Correct Deficiencies may be used to document deficient performances or censurable incidents, involving Department employees.

Officer Alcantar nor Officer Thornton chamber checked their shotgun to confirm the condition of the firearm.

The issues regarding Officers Alcantar and Thornton were brought to the attention of Captain Espinosa who advised that these issues were addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Use of Seatbelt – The buffering of Officer Azurin BWV captured him riding in his police vehicle. At approximately two minutes into the BWV, the video captured him securing his seatbelt. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with an informal counseling. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Basic Firearms Safety Rules – The investigation revealed that Officer Cardoza momentarily covered himself with the muzzle of his shotgun, as he handed the shotgun to Officer Alcantar. Officer Gan used his patrol rifle scope to observe Fernandez from a distance. Although Fernandez was armed with a handgun during the incident, Officer Gan did not intend to point his patrol rifle at Fernandez and intended to just use the mounted scope to enhance his ability to observe. Officer Hammers placed his shotgun on the driver seat with its muzzle pointed upward. Officer Hammers reached into his vehicle and may have covered his right arm with the shotgun muzzle.

The issues regarding Officers Cardoza and Gan were brought to the attention of Captain Espinosa who advised that these issues were addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The issue regarding Officer Hammers was brought to the attention of Captain A. Neiman, Serial No. 25146, Commanding Officer, Valley Traffic Division, who advised that this issue was addressed with divisional training. The Commanding Officer of Transit Services Bureau (TSB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, I deem no further action is necessary.

Driving with Patrol Rifle Slung - Officer Gan slung his loaded patrol rifle across his chest and, with the patrol rifle pointing down and towards the driver door, drove his police vehicle to another location to redeploy. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

BWV Activation

Sergeant Cueto did not activate his BWV during the incident. However, Sergeant Cueto believed he did activate it prior to the incident. An analysis by West Valley Area determined

Sergeant Cueto did not have any prior BWV non-compliance incidents. This was brought to the attention of Captain Espinosa who advised that this issue was addressed with an informal counseling. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Gan conducted an in-field power off and did not power back on until after the OIS. An analysis by West Valley Area determined Officer Gan had three prior BWV non-compliance incidents. This was brought to the attention of Captain Espinosa who advised that this issue was addressed through a Department-initiated personnel complaint and divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Cardoza had four seconds of buffering as a result of an in-field power off. An analysis by West Valley Area determined Officer Cardoza had five prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Department-initiated personnel complaint. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Clodfelter had a 12 second buffering time before activating as a result of an in-field power off. An analysis by West Valley Area determined Officer Clodfelter had two prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Department-initiated personnel complaint. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Csicsai had no buffering time before activation as a result of an in-field power off. An analysis by West Valley Area determined Officer Csicsai did not have any prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Olson had a 49 second buffering time due to an in-field power off. An analysis by West Valley Area determined Officer Olson had one prior BWV non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Thornton activated his BWV device approximately two minutes after arriving at scene, resulting in a late activation. An analysis by West Valley Area determined Officer Thornton had one prior BWV non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Gastellum activated her BWV approximately one minute after she began her Code Three response resulting in a late activation. An analysis by West Valley Area determined Officer Gastellum had one prior DICVS non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – West Valley Patrol Division police vehicles were equipped with DICVS. Officer Babel and Officer Alcantar's DICV's captured a portion of the OIS.

Body Worn Video (BWV) – Officers from West Valley Patrol Division and Valley Traffic Division who were at scene were equipped with BWV. The BWVs of Officers Cardoza, Houser, Hammers, Romero, and Lieutenant Fogel all captured portions of the OIS. Officer Lemus-Morales' BWV captured Fernandez' arrest.

Outside Video Surveillance – A surveillance camera located at 8101 Hesperia Avenue contained six video clips showing the actions of officers positioned on Lorne Street, but it did not capture the OIS. A surveillance camera located at 8054 Hesperia Avenue contained 66 total clips due to it being a motion activated camera. The actions of the officers on Lorne Street were captured, but the video did not capture the OIS.

Respectfully,


MICHEL R. MOORE
Chief of Police

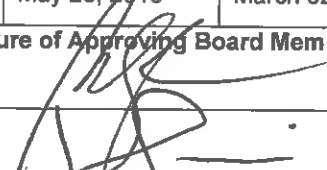




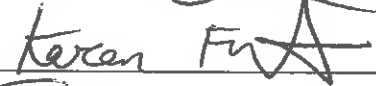

Date: _____

3-24-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC NO. 021-19	CF NO.	DR. NO. 19-1010337
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 8061 Hesperia Avenue	RD 1005	Date of Incident May 26, 2019	Date and Time of Board Review March 02, 2019 1230 Hours
Chairman Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members:		
Member (Office of Operations) Commander M. Rimkunas, Serial No. 32211			
Member (Police Sciences and Training Bureau) Commander R. Flores, Serial No. 30995			
Member (Operations-Valley Bureau) Commander A. Hamilton, Serial No. 27393			
Member (Transit Services Bureau) Deputy Chief B. Chow, Serial No. 27572			
Member (Training Division) Sergeant B. Riggs, Serial No. 27061			
Member (Peer, Lieutenant) Lieutenant E. Bixler, Serial No. 33309			
Member (Peer, Sergeant) Sergeant K. Fuentes, Serial No. 38859			
Member (Peer, Officer) Officer B. Foreman, Serial No. 39338			
Presenting Commanding Officer Captain P. Espinoza, Serial No. 30820			
Presenting Commanding Officer Captain A. Neiman, Serial No. 25146			
NOTES:	<div style="text-align: right;"> RECEIVED MAR 26 2020 OFFICE OF THE INSPECTOR GENERAL </div>		
ADDITIONAL CONSIDERATIONS:			
MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING:			
<div style="text-align: right;"> <input checked="" type="checkbox"/> COP Date Signed: 3/24/20 <input checked="" type="checkbox"/> PC Date Submitted: 3/24/20 </div>			

Employee (Last Name, First, Middle) Csicsai, Blake		Serial No. 39200	Rank/Class Police Officer II	Incident No. 021-19
Length of Employment 11 years, 4 months		Current Division West Valley		Time in Current Division

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: BAZUAVZ BAZUAVZ

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed	Notes:
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Babel, Michael		Serial No. 35786	Rank/Class Police Officer I	Incident No. 021-19
Length of Employment 18 years, 9 months	Current Division West Valley		Time in Current Division	

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed	Notes:
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Houser, Evan		Serial No. 41158	Rank/Class Police Officer II	Incident No. 021-19
Length of Employment 6 years, 9 months		Current Division West Valley	Time in Current Division	
Use of Force Review Board		Chief of Police	Police Commission	
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes: <i>34962</i> <i>34962</i>				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Fogel, Roland		Serial No. 35306	Rank/Class Lieutenant I	Incident No. 021-19
Length of Employment 20 years, 1 months		Current Division West Valley		Time in Current Division
Use of Force Review Board		Chief of Police		Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes: <u>JA 34962</u> <u>JA 34962</u>				
Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		Notes:		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Cueto, David		Serial No. 25874	Rank/Class Sergeant I	Incident No. 021-19
Length of Employment 31 years, 2 months	Current Division West Valley		Time in Current Division	

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: SA 34962 CP 34962

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed	Notes:
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.